

Last Updated: September 2020

FORM 1 (ND/SD MISS. DEC. 2019)

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**SHERRY MOORE****PLAINTIFF**

v.

**CIVIL ACTION****No. 3:21-cv-253-SA-JMV****UNUM LIFE INSURANCE COMPANY OF  
AMERICA****DEFENDANT**

**CASE MANAGEMENT ORDER**

This Order, including all deadlines, has been established with the participation of all parties and can be modified only by order of the Court on a showing of good cause supported with affidavits, other evidentiary materials, or reference to portions of the record.

**IT IS HEREBY ORDERED:**

**1. ESTIMATED DAYS OF TRIAL:** None

**ESTIMATED TOTAL NUMBER OF WITNESSES:** None

**EXPERT TESTIMONY EXPECTED:** No

**2. ALTERNATIVE DISPUTE RESOLUTION [ADR]. (Pick one)**

At the time this Case Management Order is offered it does not appear that alternative dispute resolution techniques will be used in this civil action.

Additional Information:

**3. CONSENT TO TRIAL BY UNITED STATES MAGISTRATE JUDGE. (Pick one)**

The parties do not consent to trial by a United States Magistrate Judge.

**4. DISCLOSURE.** (Pick one)

The following additional disclosure is needed and is hereby ordered:

Defendant shall identify the "Administrative Record" and produce a copy thereof and make any other initial disclosures on or before March 8, 2022.

**5. MOTIONS; ISSUE BIFURCATION.** (Pick one)

Staged resolution/bifurcation of the trial issues will not assist in the prompt resolution of this action.

Early filing of the following motion(s) might significantly affect the scope of discovery or otherwise expedite the resolution of this action:

Since this is an ERISA case, and the Court's review of the claim at issue is limited to the Administrative Record (see, e.g., *Vega v. National Life Ins. Services, Inc.*, 188 F.3d 287, 298-99 (5th Cir. 1999), no discovery other than the disclosures identified in the paragraph above will be conducted absent further order of the court. The Plaintiff may request such an Order in the event that counsel determines that elements within the Administrative Record require clarification.

**6. DISCOVERY PROVISIONS AND LIMITATIONS.**

- A. Interrogatories are limited to   0   succinct questions.
- B. Requests for Production are limited to   0   succinct questions.
- C. Requests for Admissions are limited to   0   succinct questions.
- D. Depositions are limited to the parties, experts, and no more than   0   fact witness depositions per party without additional approval of the Court.

- E.** The parties have complied with the requirements of Local Rule 26(f)(2)(B) regarding discovery of electronically stored information and have concluded as follows:

**F.** The court imposes the following further discovery provisions or limitations:

- ☐ 1. The parties have agreed that defendant may obtain a Fed.R.Civ. P. 35 (L.U.Civ.R. 35) medical examination of the plaintiff (within subpoena range of the court) by a physician who has not examined the plaintiff, and that defendant may arrange the examination without further order of the court. The examination must be completed in time to comply with expert designation discovery deadlines.
- ☒ 2. Pursuant to FED.R.EVID. 502(d), the attorney-client privilege and the work-product protections are not waived by any disclosure connected within this litigation pending before this Court. Further, the disclosures are not waived in any other federal or state proceeding.
- ☐ 3. Plaintiff must execute an appropriate, HIPAA-compliant medical authorization.
- ☒ 4. The court desires to avoid the necessity of filing written discovery motions where court participation in an informal discussion of the issue might resolve it, even after the parties have been unsuccessful in a good faith attempt to do so. Consequently, before a party may serve any discovery motion, counsel must first confer in good faith as required by Fed. R. Civ. P. 37(a)(1). If the attorney conference does not resolve the dispute, counsel must contact the chambers of the magistrate judge to request a telephonic conference to discuss the issue as contemplated by Fed. R. Civ. P. 16(b)(3)(B) (v). Only if the telephonic conference with the judge is unsuccessful in resolving the issue may a party file a discovery motion.
- ☒ 5. Other:  
As stated above, Plaintiff reserves the right to request written and/or oral discovery if counsel determines that such is necessary to clarify or otherwise explain information contained in the Administrative Record. In such an event, the Plaintiff will file a motion with the Court for an Order authorizing the proposed discovery.

Additional Provisions:

Dispositive motions will be filed no later than May 13, 2022. Rebuttals will be due June 13, 2022.

## 7. SCHEDULING DEADLINES

**A. Trial.** This action is set for Choose Type:

beginning on: \_\_\_\_\_, at 9:30, a.m., in Oxford,

Mississippi, before United States District Judge Sharion Aycock.

THE ESTIMATED NUMBER OF DAYS FOR TRIAL IS \_\_\_\_\_. ANY CONFLICTS WITH THIS TRIAL DATE MUST BE SUBMITTED IN WRITING TO THE TRIAL JUDGE IMMEDIATELY UPON RECEIPT OF THIS CASE MANAGEMENT ORDER.

**B. Pretrial.** The pretrial conference is set on: \_\_\_\_\_, at 10:00, a.m.,

in Greenville, Mississippi, before United States Magistrate

Judge Jane M. Virden.

**C. Discovery.** All discovery must be completed by: \_\_\_\_\_.

**D. Amendments.** Motions for joinder of parties or amendments to the pleadings must be filed by: \_\_\_\_\_.

**E. Experts.** The parties' experts must be designated by the following dates:

1. Plaintiff(s): \_\_\_\_\_.

2. Defendant(s): \_\_\_\_\_.

**8. MOTIONS.** All dispositive motions and *Daubert*-type motions challenging another party's expert must be filed by: see above 6 F. The deadline for motions *in limine* is fourteen days before the pretrial conference; the deadline for responses is seven days before the pretrial conference.

**9. SETTLEMENT CONFERENCE.**

Early Settlement Conference and additional Settlement Conference

**10. REPORT REGARDING ADR.** On or before (7 days before FPTC) \_\_\_\_\_, the parties must report to the undersigned all ADR efforts they have undertaken to comply with the Local Rules or provide sufficient facts to support a finding of just cause for failure to comply. *See L.U.Civ.R.83.7(f)(3).*

**SO ORDERED:**

February 15, 2022  
DATE

/s/ Jane M. Virden  
UNITED STATES MAGISTRATE JUDGE